

1                   UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4                   UNITED STATES OF AMERICA,                 Case No. 1:18-cr-484  
5   Cleveland, Ohio

6   Plaintiff,

7   vs.

8   TUESDAY, SEPTEMBER 4, 2018

9                   RUFUS TAYLOR,

10   Defendant.

11                   TRANSCRIPT OF CHANGE OF PLEA HEARING  
12                   HELD BEFORE THE HONORABLE THOMAS M. PARKER  
13                   UNITED STATES MAGISTRATE JUDGE

14                   APPEARANCES:

15                   For the Plaintiff:                 Chelsea S. Rice,  
16   Elliot D. Morrison,  
17   Assistant United States Attorneys

18                   For the Defendant:                 Michael H. Peterson, *Esquire*

19                   Official Court Reporter:         Lance A. Boardman, RDR, CRR  
20   United States District Court  
21   801 West Superior Avenue  
22   Court Reporters 7-189  
23   Cleveland, Ohio 44113  
24   216.357.7019

25                   Proceedings recorded by mechanical stenography from a  
26                   digital audio recording; transcript produced by  
27                   computer-aided transcription.

1                             (In open court at 2:23 p.m.)

2                             THE COURTROOM DEPUTY: This United States  
3 District Court for the Northern District of Ohio is now open  
4 for the transaction of business, the Honorable Thomas M.  
5 Parker presiding.

6                             THE COURT: Good afternoon everyone.

7                             Counsel, if you would, please indicate your  
8 appearances for our record today.

9                             MS. RICE: Good afternoon, Your Honor.  
10                            Chelsea Rice, Assistant United States Attorney, on behalf of  
11 the United States.

12                            MR. MORRISON: And Elliot Morrison, Assistant  
13 United States Attorney.

14                            THE COURT: Good morning, Counsel.

15                            MR. PETERSON: Your Honor, Michael Peterson,  
16 representing the defendant in this matter.

17                            THE COURT: Good afternoon, Mr. Peterson.

18                            I apologize for the delay. The Court had some  
19 initial information that I needed to take care of.

20                            Good afternoon, Mr. Taylor.

21                            The case is on the Court's docket here today because  
22 I've been informed that the defendant has made a decision to  
23 enter a plea of guilty to an information that has been filed  
24 in this matter.

25                            So, Mr. Taylor, it's necessary that I go through a

1 series of formal steps in order to make sure that we've  
2 complied with all the requirements of the Rules of Criminal  
3 Procedure and also to comply with all of your constitutional  
4 rights. We're going to begin the hearing today by  
5 arraigning you on the charges that have been brought against  
6 you.

7 Arraignment simply means you're being formally  
8 advised in court of the charges included in the information.  
9 After the arraignment, I will then proceed to discuss with  
10 you the potential entry of your plea.

11 You may plead guilty or not guilty at any point in  
12 today's hearing. In other words, the fact that we've  
13 started the hearing with a view that you may enter a plea of  
14 guilty does not mean that you're required to do so.

15 Do you understand that?

16 Is your microphone on?

17 MR. PETERSON: Oh, I'm sorry. Yes. Yes.

18 THE COURT: All right. Thank you.

19 MR. PETERSON: You can't hear?

20 Can you hear this one better?

21 THE DEFENDANT: Yes. Can you hear it? I need  
22 to press it?

23 MR. PETERSON: No, no, you don't need to press  
24 it, only if you want to shut it off.

25 THE DEFENDANT: Can you hear me now?

1                   THE COURT: All right. Mr. Taylor, let me  
2 just indicate to you if you decided not to plead guilty in  
3 this case, the matter would be set for trial before Judge  
4 Boyko, and you could fully exercise your constitutional  
5 rights. But I have been informed that you have decided to  
6 enter a plea of guilty.

7                   Is that correct?

8                   THE DEFENDANT: That is correct.

9                   THE COURT: All right. During the hearing I'm  
10 going to take up several matters. First, as mentioned,  
11 you'll be formally advised of the charges and the maximum  
12 potential penalties associated with those charges, you'll be  
13 advised of your right to counsel, you'll be advised of your  
14 right to remain silent.

15                  I am required to go through a series of questions to  
16 make sure that you are competent or in a proper state of  
17 mind in order to be able to proceed today and also ensure  
18 that any plea you enter is freely and voluntarily and  
19 knowingly entered. In order to do that, I've got to make  
20 sure you understand the constitutional rights you give up if  
21 you enter a plea of guilty.

22                  And I also must determine that there is a proper  
23 factual basis to support the plea.

24                  Then lastly, you'll be given an opportunity to enter  
25 a plea in response to the information.

1           So let me begin by indicating that you are here today  
2 on an information that was filed on August 24, 2018. That  
3 information contains two counts.

4           Do you have a copy of the information available to  
5 you?

6           MR. PETERSON: This is the information.

7           THE DEFENDANT: Yes.

8           MR. PETERSON: We have it, Your Honor.

9           THE COURT: All right. Very well.

10          Now, I'm going to ask Ms. Rice to indicate what  
11 the -- in summary fashion, what the charge is in each count  
12 and what the maximum potential penalties are for those  
13 charges.

14          MS. RICE: Thank you, Your Honor.

15          Mr. Taylor is charged in a two-count information.  
16 Count 1 charges Mr. Taylor with a violation of Title 18  
17 United States Code Section 666(a)(1)(B), bribery concerning  
18 a program receiving Federal funds. The maximum term of  
19 imprisonment for this offense is 10 years. The maximum  
20 statutory fine, \$250,000. Maximum period of supervised  
21 release is three years. And there is a \$100 special  
22 assessment.

23          Count 2 of the information charges Mr. Taylor with a  
24 violation of Title 18 United States Code Section 1951, Hobbs  
25 Act extortion under color of official right. The maximum

1 term of imprisonment for this offense is 20 years. The  
2 maximum fine is \$250,000. The maximum period of supervised  
3 release is three years. And there is also a \$100 special  
4 assessment for this offense.

5 THE COURT: All right. Thank you.

6 Mr. Taylor, let me indicate to you, sir, that you  
7 have a right to have the information read to you word for  
8 word from beginning to end in its entirety, or you may waive  
9 a reading of the information.

10 Which do you prefer to do?

11 THE DEFENDANT: I waive the reading.

12 THE COURT: Now, sir, you do have a  
13 constitutional right to be represented by an attorney at  
14 every stage of the proceedings. If you're not able to  
15 afford an attorney, the Court would appoint one without cost  
16 to you to represent you.

17 Do you understand your right to an attorney?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: I understand that you have  
20 retained the services of Attorney Michael Peterson.

21 Is that correct?

22 THE DEFENDANT: That is correct.

23 THE COURT: Can you confirm for the record  
24 that he is here today serving as your legal counsel?

25 THE DEFENDANT: That is correct.

1                   THE COURT: I want to advise you, Mr. Taylor,  
2 that to the extent you're here today to enter a plea of  
3 guilty, it's important to remember that you do have a right  
4 to enter a plea before the assigned district judge, Judge  
5 Christopher Boyko.

6                   Do you understand that?

7                   THE DEFENDANT: Yes.

8                   THE COURT: You may, however, consent to the  
9 magistrate judge conducting today's hearing and receive your  
10 plea. Ultimately, Judge Boyko would be the person  
11 responsible for determining the sentence even if I conducted  
12 today's hearing.

13                  Do you understand that?

14                  THE DEFENDANT: Yes, I do.

15                  THE COURT: Have you discussed with your  
16 attorney whether or not you should consent to my conducting  
17 today's hearing?

18                  THE DEFENDANT: Yes.

19                  THE COURT: Now, I have in my possession a  
20 consent to order referral to the magistrate judge for  
21 purposes of receiving a plea of guilty. It appears to have  
22 been signed by you.

23                  Did you sign that consent form here in court today?

24                  THE DEFENDANT: Yes.

25                  THE COURT: Did you read it before you signed

1 it?

2 THE DEFENDANT: Yes.

3 THE COURT: Did you discuss with counsel what  
4 it was you were agreeing to by signing this agreement?

5 THE DEFENDANT: That's correct.

6 THE COURT: And, Mr. Taylor, do you consent to  
7 me conducting today's plea hearing in connection with this  
8 matter?

9 THE DEFENDANT: Yes.

10 THE COURT: The Court will find that you've  
11 made a knowing, voluntary, and intelligent decision to  
12 consent to this Court conducting the proceeding.

13 It appears that the consent form still needs to be  
14 signed by the U.S. Attorney's Office, so I'm going to  
15 provide that to Attorney Rice at this point. And I will  
16 assume by her signature that the Government also does  
17 consent.

18 All right. So, Mr. Taylor, let me just confirm that  
19 by consenting to me conducting today's hearing, you will be  
20 giving up your right to proceed to have a plea before Judge  
21 Boyko.

22 And do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: And do you still wish to proceed  
25 with the hearing before me today?

1                   THE DEFENDANT: That is correct, yes.

2                   THE COURT: All right. Mr. Taylor, there are  
3 a number of constitutional rights that you have that are  
4 implicated in today's hearing. During the course of today's  
5 hearing, I am going to review each of those rights with you.  
6 It's going to take some time to go over this matter. You  
7 should feel free to ask questions either of me or of your  
8 attorney at any point in time.

9                   Do you understand that?

10                  THE DEFENDANT: Yes.

11                  THE COURT: If there's anything that I say to  
12 you that you don't understand, please tell me that, and I  
13 will clear it up.

14                  Do you understand that?

15                  THE DEFENDANT: Yes, I do.

16                  THE COURT: Now, sir, you have a  
17 constitutional right, as I mentioned a few moments ago, to  
18 plead not guilty and to stand by your plea. And I'm going  
19 to repeat that even though you've expressed a present  
20 intention to plead guilty, you have a right to change your  
21 mind at any point in time during the course of today's  
22 hearing.

23                  Do you understand that?

24                  THE DEFENDANT: Yes, I do.

25                  THE COURT: Now, you also have a

1       constitutional right to have this case presented to a grand  
2       jury for its consideration. If the case is presented to a  
3       grand jury, the grand jury would make a determination as to  
4       whether there is probable cause to believe crimes were  
5       committed, number one, and, number two, probable cause to  
6       believe that you were the individual who committed those  
7       offenses.

8                  Do you understand that you have a constitutional  
9       right to have the case presented to a grand jury?

10                 THE DEFENDANT: Yes, I do.

11                 THE COURT: And do you understand that the  
12       Government can only proceed against you by way of an  
13       information if you consent in writing to go by way of  
14       information as opposed to grand jury indictment?

15                 THE DEFENDANT: I understand.

16                 THE COURT: Now, I have in my possession a  
17       waiver of indictment form which states, "I understand I've  
18       been accused of one or more offenses punishable by  
19       imprisonment for more than one year. I was advised in open  
20       court of my rights and nature of the proposed charges  
21       against me. After receiving this advice, I waive my right  
22       to prosecution by indictment and consent to prosecution by  
23       information."

24                 The document appears to have been signed by you. Did  
25       you sign that document, Mr. Taylor?

1                   THE DEFENDANT: Yes, I did.

2                   THE COURT: Did you sign it only after first  
3 having read it and discussed it with your attorney?

4                   THE DEFENDANT: Yes.

5                   THE COURT: And do you understand that you are  
6 giving up your right to proceed by way of a grand jury  
7 indictment if the Court acts on this waiver?

8                   THE DEFENDANT: Yes.

9                   THE COURT: The Court will find that you made  
10 a knowing, voluntary, and intelligent decision to waive your  
11 right to grand jury presentment. I will accept the waiver,  
12 and we will proceed by way of information.

13                  All right. Mr. Taylor, during the course of today's  
14 hearing I'm going to ask you a series of questions. As  
15 you've been able to tell, the court reporter is making a  
16 record of what we're doing here. She's actually using an  
17 electronic recording system. It's important to keep that in  
18 mind because an electronic recording system can only record  
19 what we say, not what we do. So if you were to nod your  
20 head in response to one of my questions, there would be no  
21 record of that. So please do continue to keep your answers  
22 verbal so that we can make an accurate record.

23                  Do you understand that?

24                  THE DEFENDANT: Yes, I do.

25                  THE COURT: Now, none of the questions that

1 I'm going to ask you are designed to embarrass you in any  
2 way. And at any point in time you wish to speak to your  
3 attorney, you may do so at any time.

4 Do you understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Now, I want to advise you that you  
7 have the right to remain silent. You're not required to  
8 make any statements. Anything you do say may be used  
9 against you.

10 Before receiving your guilty plea, there are a number  
11 of questions that I will ask you to assure that your plea is  
12 valid. By answering these questions, you will be making  
13 statements against your interest, and you will be  
14 incriminating yourself.

15 Do you understand that by proceeding here today with  
16 a plea of guilty, you will necessarily be giving up your  
17 right to remain silent?

18 THE DEFENDANT: Yes, I understand.

19 THE COURT: At this point I'm going to ask you  
20 to please stand and raise your right hand so that the clerk  
21 may swear you in.

22 (The defendant was sworn.)

23 THE COURT: Mr. Taylor, you may be seated.

24 Thank you very much.

25 You now have been sworn and are under oath to tell

1       the truth. Your answers to the Court's questions, as just  
2 mentioned, will be subject to the penalties for perjury if  
3 you do not tell the truth.

4                  Do you understand that?

5                  THE DEFENDANT: Yes, I do.

6                  THE COURT: As a part of today's hearing, I do  
7 need to ensure that you are in a correct state of mind in  
8 order to be able to proceed. This requires me to ask  
9 simply -- or a few simple background questions. If any  
10 question I ask you is something that you need to have  
11 clarified, please tell me that and I will do so. And as  
12 mentioned, if you wish to speak to your attorney, please  
13 tell me that as well.

14                 If you would, state your full name, including your  
15 middle name, for the record.

16                 THE DEFENDANT: My full name is Rufus Taylor.

17                 THE COURT: All right. And what is your age  
18 currently?

19                 THE DEFENDANT: I am 60 years old.

20                 THE COURT: Are you a citizen of the United  
21 States?

22                 THE DEFENDANT: Yes, I am.

23                 THE COURT: How far did you go in your formal  
24 schooling?

25                 THE DEFENDANT: Two years of college.

1                   THE COURT: And I assume you have no problems  
2 whatsoever in speaking, reading, writing, and understanding  
3 the English language.

4                   Correct?

5                   THE DEFENDANT: Correct.

6                   THE COURT: And prior to coming to court  
7 today, have you maintained any recent employment?

8                   THE DEFENDANT: No.

9                   THE COURT: When's the last time you had  
10 recent -- or had employment?

11                  THE DEFENDANT: Close to about a year, eight,  
12 nine months ago. December or so.

13                  THE COURT: Do you have any difficulty  
14 managing your own affairs?

15                  THE DEFENDANT: None.

16                  THE COURT: Are you currently on any form of  
17 probation, parole, or supervised release for any other state  
18 or Federal convictions?

19                  THE DEFENDANT: No.

20                  THE COURT: Do you understand that by pleading  
21 guilty here today -- well, let me just drop that. I'll come  
22 back to that in a moment.

23                  Switching gears on you, let me ask whether within the  
24 past 12 months you have received any forms of treatment or  
25 hospitalizations for any kind of mental illness or

1       psychological condition, for any kind of drug, alcohol, or  
2       narcotic addictions?

3                     THE DEFENDANT: None.

4                     THE COURT: Within the past 24 hours, have you  
5       taken any medications, drugs, or consumed any alcohol?

6                     THE DEFENDANT: Just a blood pressure pill.

7                     THE COURT: Is there anything in your system  
8       right now, Mr. Taylor, that in any way affects your ability  
9       to understand what we are doing here today?

10                  THE DEFENDANT: No.

11                  THE COURT: Mr. Peterson, do you have any  
12      doubts about your client's competence to proceed?

13                  MR. PETERSON: Absolutely not, Your Honor.

14                  THE COURT: Pardon?

15                  MR. PETERSON: Absolutely not.

16                  THE COURT: All right. Thank you.

17                  Mr. Taylor, do you feel you understand what the  
18      purpose is of today's hearing?

19                  THE DEFENDANT: Yes.

20                  THE COURT: And tell me in your own words what  
21      you understand that purpose to be.

22                  THE DEFENDANT: To gather what's needed to be  
23      gathered and to overgo the charges that are presented to the  
24      Court.

25                  THE COURT: And do you -- what do you

1 understand is going to occur during the course of the  
2 hearing today?

3 THE DEFENDANT: Several questions going to be  
4 asked about what went on, I would say.

5 THE COURT: All right. And then what do you  
6 think the endpoint in the hearing will be?

7 THE DEFENDANT: I'm pleading guilty.

8 THE COURT: All right, sir.

9 Mr. Taylor, have you discussed with your attorney the  
10 charges in the information to which you intend to plead  
11 guilty and any penalties associated with those charges?

12 THE DEFENDANT: Yes.

13 THE COURT: Have you told your lawyer  
14 everything you know about the facts and circumstances of the  
15 case?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you had -- have you reviewed  
18 with your counsel the terms of the plea agreement and have  
19 you had an opportunity to ask him any questions you may have  
20 concerning the meaning of any of the terms of the plea  
21 agreement?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you completely satisfied with  
24 the representation you have received from Attorney Peterson  
25 up to this moment in time?

1                   THE DEFENDANT: Yes, I am.

2                   THE COURT: And, Mr. Peterson, have you  
3 advised your client regarding any and all plea offers made  
4 by the Government in this matter?

5                   MR. PETERSON: I have, Your Honor.

6                   THE COURT: Now, Mr. Taylor, we're going to  
7 switch topics at this point and move into a discussion of  
8 the constitutional rights that you give up if you determine  
9 and decide to enter a plea of guilty in this case.

10                  You have a right to proceed to trial, and it can be a  
11 trial by jury. By proceeding with a plea of guilty, you are  
12 going to give up that right and other rights associated with  
13 the trial. So when you proceed to trial, essentially what  
14 you do is you stand by your guilty plea [sic] and require  
15 the Government to prove the case.

16                  You'd have the right to have a trial by jury,  
17 including at that trial having the assistance of counsel.  
18 And during the course of that trial you would not be  
19 required to prove anything, including particularly you would  
20 not be required to prove that you were innocent.

21                  Do you understand that?

22                  THE DEFENDANT: Yes, I do.

23                  THE COURT: Do you understand you have each of  
24 those rights?

25                  THE DEFENDANT: Yes.

1                   THE COURT: Now, in the course of -- pardon  
2 me.

3                   In the information you've been charged with violating  
4 specific provisions of the United States Code, specifically  
5 Title 18 Section 666(a)(1)(B), and also Title 18 Section  
6 1951(a). In a few moments I'm going to go over the elements  
7 of those offenses with you.

8                   At trial, if you were to proceed to trial, the  
9 Government would be required to prove every one of the  
10 essential elements of these offenses beyond a reasonable  
11 doubt. That's all included within your trial rights.

12                  So do you understand your right to a trial by jury  
13 and that by pleading guilty here today you are going to give  
14 up permanently that right?

15                  THE DEFENDANT: Yes, I do.

16                  THE COURT: You also have a right to use  
17 what's called compulsory process. That is the right to have  
18 subpoenas issued in order to require witnesses to come to  
19 court who could offer favorable testimony.

20                  Do you understand you have that right?

21                  THE DEFENDANT: I understand.

22                  THE COURT: Do you understand by pleading  
23 guilty here today you're going to give up that right?

24                  THE DEFENDANT: Yes.

25                  THE COURT: If the case were to proceed to

1 trial, you would have the right to confront or cross-examine  
2 the Government's witnesses.

3 Do you understand that you have that right?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: And do you understand, Mr. Taylor,  
6 by pleading guilty today, you will give up the right to  
7 confront the Government's witnesses?

8 THE DEFENDANT: Yes.

9 THE COURT: You have a right to remain silent  
10 while at a trial. You would have the right to take the  
11 witness stand and testify if you wished, but you cannot be  
12 compelled to take the witness stand and testify. And you  
13 could go through the entire trial while maintaining your  
14 right against self-incrimination.

15 Do you understand you have that right?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand by pleading  
18 guilty here today, you're going to give up that right?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, I've mentioned on two  
21 occasions so far your right to remain silent and not to  
22 incriminate yourself.

23 Do you understand you have that right?

24 THE DEFENDANT: Yes, I understand.

25 THE COURT: You understand by pleading guilty

1 here today, you're going to give up that right?

2 THE DEFENDANT: That is correct.

3 THE COURT: So, Mr. Taylor, to summarize, if  
4 you enter a plea of guilty today and Judge Boyko accepts  
5 that plea, you will give up your right to trial and you'll  
6 give up your other trial-related constitutional rights that  
7 I have discussed. There would be no trial, and the district  
8 judge will enter a judgment of guilty and sentence you on  
9 the basis of your plea after he considers a presentence  
10 report.

11 THE DEFENDANT: I understand.

12 THE COURT: Do you understand that the  
13 offenses to which you would be pleading guilty are both  
14 felony offenses and that a judgment of guilty may deprive  
15 you of valuable civil rights, including the right to vote,  
16 the right to hold public office, the right to serve on a  
17 jury, and the right to possess firearms under certain  
18 circumstances?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. We've had the counts  
21 in the information previously described to you. And do you  
22 have a copy of the information on the table available to  
23 you, Mr. Taylor?

24 THE DEFENDANT: Yes.

25 THE COURT: You've previously said that you

1 have discussed with counsel the nature of those charges.

2 THE DEFENDANT: Mm-hmm.

3 THE COURT: And it might also assist you to  
4 turn to page 3 of the plea agreement.

5 So if you look at page 3 of the plea agreement,  
6 beginning at paragraph 10 toward the bottom of the page and  
7 then carrying over to the top of page 4, you will see the  
8 two counts listed.

9 Do you see them, Mr. Taylor?

10 THE DEFENDANT: Yes.

11 MR. PETERSON: Right there.

12 THE COURT: They're actually listed in reverse  
13 order from the order in which they appear in the  
14 information. So at the top of page 4 in the plea agreement,  
15 you'll see the charge of bribery concerning a program  
16 receiving Federal funds.

17 THE DEFENDANT: Yes.

18 THE COURT: The alleged violation of 18 United  
19 States Code Section 666(a)(1)(B).

20 Do you see that?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Now, you can see that in this  
23 section of the plea agreement the elements of that offense  
24 are set forth. I want to review them with you.

25 In order for the charge to be proven by the

1       Government, they would have to establish four elements:

2               Number one, that you were an agent of an

3 organization, agency, or governmental unit.

4               Number two, they would have to prove that on or about  
5 the dates as charged you corruptly solicited or demanded for  
6 the benefit of another person or entity or accepted or  
7 agreed to accept from another person or entity something of  
8 value in connection with any business transaction or series  
9 of transactions.

10          Three, they would have to prove that the business  
11 transaction involved something of value of \$5,000 or more.

12          And four, that the organization, agency, or  
13 governmental unit received benefits in excess of \$10,000 in  
14 a one-year period surrounding the dates of the offense  
15 charged, pursuant to a Federal program involving a grant,  
16 contract, subsidy, loan, guarantee, insurance, or other form  
17 of Federal assistance.

18          Do you see the elements for Count 1 of the  
19 information?

20               THE DEFENDANT: Yes.

21               THE COURT: If you turn back to page 3 in the  
22 plea agreement, you can see the Hobbs Act extortion claim  
23 which is alleged under Title 18 United States Code Section  
24 1951.

25          Do you see that?

1                   THE DEFENDANT: Yes.

2                   THE COURT: The elements of that offense would  
3 require the Government to establish beyond a reasonable  
4 doubt that:

5                   Number one, you wrongfully obtained or attempted to  
6 obtain property from another with that person's consent.

7                   Number two, that you did so under the color of  
8 official right.

9                   And, number three, that your conduct interfered with  
10 or affected interstate commerce.

11                  Do you see each of those three elements?

12                  THE DEFENDANT: Yes, I do.

13                  THE COURT: Mr. Taylor, do you feel you  
14 understand the elements of the two offenses included in the  
15 information?

16                  THE DEFENDANT: Yes, Your Honor.

17                  THE COURT: Do you have any questions  
18 regarding any of those elements?

19                  THE DEFENDANT: None whatsoever.

20                  THE COURT: And, Mr. Peterson, you've gone  
21 over these elements of the offenses with your client,  
22 correct?

23                  MR. PETERSON: I have, Your Honor.

24                  THE COURT: And do you feel he understands  
25 each of those elements?

1                   MR. PETERSON: Yes. We spent a lot, a lot of  
2 time together. He understands everything.

3                   THE COURT: All right. And, Mr. Taylor, you  
4 heard the description by the assistant United States  
5 attorney earlier of the potential penalties for each of  
6 those counts.

7                   Correct?

8                   THE DEFENDANT: Yes.

9                   THE COURT: And if you look at the plea  
10 agreement, and specifically paragraph number 2 on page 2,  
11 those penalties are listed in writing.

12                  Do you see that?

13                  THE DEFENDANT: Statutory penalties?

14                  MR. PETERSON: Yes.

15                  THE COURT: Pardon?

16                  THE DEFENDANT: Statutory penalties?

17                  THE COURT: Yes, sir.

18                  THE DEFENDANT: Yes.

19                  THE COURT: So you can see for Count 1 the  
20 maximum potential imprisonment is 10 years and a potential  
21 fine of up to \$250,000. And for Count 2, the maximum term  
22 of imprisonment is 20 years with a maximum fine of up to  
23 \$250,000.

24                  Do you see that?

25                  THE DEFENDANT: Yes.

1                   THE COURT: There is going to be a request for  
2 restitution, I believe, in this case.

3                   Is that correct?

4                   MS. RICE: That's correct, Your Honor.

5                   THE COURT: And is there anything else that  
6 the defendant is being required to forfeit other than a  
7 restitution sum?

8                   MS. RICE: Your Honor, there is an agreement  
9 to request of the Court at the time of sentencing that  
10 \$3,925, which actually is currently in possession of the  
11 FBI, be implemented as a fine. So it is not in his  
12 possession, and he has agreed to that.

13                  THE COURT: All right.

14                  Mr. Taylor, did you hear what Ms. Rice has said about  
15 that topic?

16                  THE DEFENDANT: Yes.

17                  THE COURT: And do you understand that also is  
18 part of this agreement?

19                  THE DEFENDANT: Yes.

20                  THE COURT: Also as a part of the potential  
21 sentencing penalty structure for these two counts, you would  
22 be required to pay a special assessment of \$100 on each  
23 count and face potential supervised release after any prison  
24 term of up to three years.

25                  Do you understand that?

1                   THE DEFENDANT: Yes.

2                   THE COURT: Now, do you understand that if you  
3 are sent to prison and released on a term of supervised  
4 release, if during the course of your period of supervised  
5 release the district judge were to find that you had  
6 violated a condition of your supervision, he would have the  
7 right to send you back to prison for up to two additional  
8 years.

9                   Do you understand that?

10                  THE DEFENDANT: Yes, I do.

11                  THE COURT: And that would be regardless of  
12 how much of your term of supervised release you had already  
13 served. So let's say he puts you on three years of  
14 supervised release and, you know, two years and 10 months  
15 into it, you know, you commit a new offense.

16                  Do you realize even though you only had two months of  
17 supervised release left, Judge Boyko could return you to  
18 prison for up to two additional years?

19                  THE DEFENDANT: I understand.

20                  THE COURT: And if he sentenced you to less  
21 than two additional years, he could impose a new full  
22 three-year term of supervised release after your release  
23 from prison.

24                  Do you understand that?

25                  THE DEFENDANT: Yes, I do.

1                   THE COURT: Now, what I'm about to tell you  
2 might seem a strange thing to you, but this Court believes  
3 in adhering strictly to the decisions rendered by the Sixth  
4 Circuit Court of Appeals.

5                   Recently, that Court has ruled that if a court fails  
6 to advise a defendant of the immigration consequences of his  
7 plea, the plea might not be deemed to be voluntary. So I'm  
8 going to tell you that under Rule 11, a person convicted who  
9 is not a United States citizen may be removed from the  
10 United States, denied citizenship, and denied admission to  
11 the United States in the future.

12                  Do you understand that?

13                  THE DEFENDANT: Yes.

14                  THE COURT: You've told me that you are a U.S.  
15 citizen, which should render that provision inapplicable to  
16 you. But in order to strictly comply, I've given you that  
17 advice.

18                  Now, Mr. Taylor, let me ask you, sir, is the decision  
19 that you are making to enter a plea of guilty the result of  
20 your own exercise of your free will?

21                  THE DEFENDANT: That is correct.

22                  THE COURT: Has anyone threatened you or  
23 pressured you or in any way forced you to enter a plea of  
24 guilty here today?

25                  THE DEFENDANT: No.

1                   THE COURT: Has there been any plea agreement  
2 entered into between you and counsel for the Government?

3                   THE DEFENDANT: Yes.

4                   THE COURT: All right. Now, apart from that  
5 plea agreement, have any other promises been made to you to  
6 induce you to enter a plea of guilty here today?

7                   THE DEFENDANT: No.

8                   THE COURT: Do counsel for the Government and  
9 the defendant each have a copy of the plea agreement?

10                  MS. RICE: Yes, Your Honor.

11                  MR. PETERSON: Yes, Your Honor.

12                  THE COURT: Now, I have on the bench what  
13 happens to be the originally signed agreement.

14                  Mr. Peterson, did you sign the plea agreement here in  
15 court today?

16                  MR. PETERSON: I did, Your Honor.

17                  THE COURT: And, Mr. Taylor, did you also sign  
18 the plea agreement here in court today?

19                  THE DEFENDANT: Yes, I did.

20                  THE COURT: I'm assuming you had that document  
21 before you came to court today so you could have an  
22 opportunity to read it over carefully.

23                  Is that correct?

24                  THE DEFENDANT: That is correct.

25                  THE COURT: Did you read the document before

1 you came to court today?

2 THE DEFENDANT: Yes.

3 THE COURT: And did you sign it only after  
4 discussing the terms of the agreement with your attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you feel you understand the  
7 terms of this plea agreement?

8 THE DEFENDANT: I do.

9 THE COURT: And, Ms. Rice or Mr. Peterson,  
10 either one, can you in very summary fashion indicate what  
11 the substance of the plea agreement is?

12 MS. RICE: Yes, Your Honor.

13 In substance, Mr. Taylor agrees to plead guilty to  
14 the information. And the parties to recommend at the time  
15 of sentencing that the subtotal offense level before  
16 acceptance is a level 24. The parties agree that no other  
17 reductions are applicable other than what's provided for in  
18 the plea agreement. And the parties agree and acknowledge  
19 that sentencing at the end of the day rests with Judge  
20 Boyko, and he will make the ultimate sentencing decisions.

21 THE COURT: Thank you.

22 MS. RICE: Thank you, Your Honor.

23 THE COURT: Mr. Peterson, you've heard the  
24 summary of the plea agreement. Do you feel that that has  
25 been an accurate description in summary fashion of what's

1 been agreed to?

2 MR. PETERSON: Absolutely, Your Honor.

3 Just for the record, the defendant and I have spent  
4 many hours together going through the plea agreement, the  
5 guidelines. He understands those guidelines. He  
6 understands the three points for acceptance of  
7 responsibility. He has no questions relative to that. And  
8 he voluntarily signed the plea agreement.

9 THE COURT: And, Mr. Taylor, do you agree with  
10 everything that Attorney Peterson just said?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. So I want to draw your  
13 attention to a few specific points in the plea agreement.

14 If you would, turn to page 5 of that agreement.

15 Mr. Taylor, do you see that paragraph number 14  
16 begins with the heading stating "Sentencing Recommendations  
17 Not Binding on the Court"?

18 THE DEFENDANT: Yes.

19 THE COURT: That paragraph essentially says  
20 that you understand that the recommendations that the  
21 parties will make as far as the application of the  
22 sentencing guidelines are not binding upon the district  
23 judge.

24 Do you understand that?

25 THE DEFENDANT: Yes.

1                   THE COURT: The decision whether to adopt a  
2 recommended sentence or not, whether to vary from the  
3 guidelines or not, rests entirely within the discretion of  
4 the district judge.

5                   Do you understand that?

6                   THE DEFENDANT: Yes.

7                   THE COURT: This paragraph states specifically  
8 that the defendant further understands that once the Court  
9 has accepted defendant's guilty plea, defendant will not  
10 have the right to withdraw such a plea if the Court does not  
11 accept any sentencing recommendations made on defendant's  
12 behalf or if the defendant's otherwise dissatisfied with the  
13 sentence.

14                  Do you see the part I just read?

15                  THE DEFENDANT: Yes, I do.

16                  THE COURT: So what that means essentially is  
17 if you end up with a sentence that's more severe than might  
18 have been predicted for you by your attorney or what you  
19 were expecting, you would not at that point have the right  
20 to withdraw your plea and ask to take the case to trial.

21                  Do you understand that?

22                  THE DEFENDANT: I understand.

23                  THE COURT: Now, if you would also turn to the  
24 next page of the document, paragraph numbered 19.

25                  Do you see the heading that states "Waiver of Appeal

1 and Postconviction Attack"?

2 THE DEFENDANT: Yes.

3 THE COURT: Normally, if somebody goes to  
4 court and gets found guilty after a trial, they would have a  
5 right to appeal every aspect of the case to the Court of  
6 Appeals. By entering a plea of guilty here today, pursuant  
7 to the terms of this plea agreement, paragraph 19  
8 essentially says that you're giving up almost all of your  
9 rights of appeal.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: This paragraph specifically allows  
13 you to appeal, and it's about halfway down the paragraph,  
14 any punishment that's in excess of the statutory maximum, or  
15 you can appeal the Court's determination of your criminal  
16 history category, or you could make an appeal based on a  
17 contention that you would have that your attorney has not  
18 provided effective assistance of legal counsel, or you can  
19 make a claim that there's been prosecutorial misconduct.

20 Do you understand that?

21 THE DEFENDANT: Yes, I understand.

22 THE COURT: You told me that you're satisfied  
23 with your attorney, so as you sit here right now, you know  
24 of no basis on which to make a claim that you have received  
25 ineffective assistance of legal counsel.

1                   Is that correct?

2                   THE DEFENDANT: That is correct.

3                   THE COURT: Now, this same paragraph also says  
4 that you can't come in and attack your sentence by way of  
5 postconviction proceedings. So let me put that in context.

6                   It could be that Judge Boyko will send you to serve a  
7 prison sentence. And it could be that somebody sitting down  
8 in the prison with you tells you how they went and filed  
9 some sort of a petition with the Court to try to get their  
10 sentence adjusted or otherwise bring some concern to the  
11 attention of the Court.

12                  Do you understand that this paragraph of the  
13 agreement will effectively prevent you from being able to  
14 make such an attack at a later date?

15                  THE DEFENDANT: (Inaudible).

16                  THE COURT: Now, do you have a copy of the  
17 sentencing guidelines table --

18                  THE DEFENDANT: Yes.

19                  THE COURT: -- on the table?

20                  Have you looked over this table and do you feel you  
21 understand how it works?

22                  THE DEFENDANT: Beg your pardon?

23                  THE COURT: Have you looked at this table and  
24 do you feel like you have an understanding of how it works?

25                  THE DEFENDANT: Yes.

1                   THE COURT: It's important to understand that  
2 sentencing guidelines are just that: They're guidelines.  
3 They're the beginning point for a district judge's  
4 consideration of the sentence. But I want to make sure you  
5 understand this.

6                   So usually in a plea hearing I ask a person who is  
7 considering making a guilty plea to look at the chart so  
8 they can confirm for me they understand how it works.

9                   So let's suppose that the offense level that's  
10 involved in this case is a 20. And let's say that your  
11 criminal history classification is II.

12                  If you put those two together on this table, what  
13 would be the range in months that such a person could be  
14 facing?

15                  THE DEFENDANT: At the criminal history of a  
16 II, it will be 33 to 41 months of imprisonment according to  
17 this sentence table.

18                  THE COURT: Now, I think you're looking at the  
19 wrong row. I'm talking about --

20                  THE DEFENDANT: You said 20?

21                  THE COURT: Yes, 20.

22                  THE DEFENDANT: I'm sorry. Level II, 20, it  
23 will be 37 to 46. I'm sorry.

24                  THE COURT: Correct. All right.

25                  So you understand how the table works, and you

1 understand that that is a guidance that Judge Boyko would  
2 use as a part of his overall sentencing evaluation.

3                   Correct?

4                   THE DEFENDANT: Yes.

5                   THE COURT: Now, I'm assuming, Mr. Taylor,  
6 you've had an opportunity to discuss with Attorney Peterson  
7 how the sentencing commission guidelines might apply in your  
8 particular case.

9                   Correct?

10                  THE DEFENDANT: Yes.

11                  THE COURT: And in the plea agreement there's  
12 discussion of sentencing guidelines on page number 5,  
13 paragraph 16.

14                  Do you see that?

15                  THE DEFENDANT: Yes.

16                  THE COURT: And so looking at this sentencing  
17 guidelines computation, this represents that the attorneys  
18 for the Government and the defense have both agreed that  
19 under the particular facts and applicable laws in this case,  
20 the guidelines computation would reveal a guidelines offense  
21 level of 24.

22                  THE DEFENDANT: That is correct.

23                  THE COURT: All right. Now, do you understand  
24 that there is no agreement between the parties regarding  
25 your criminal history category?

1                   THE DEFENDANT: Right.

2                   THE COURT: And do you understand that Judge  
3 Boyko would determine that category at the time of  
4 sentencing after he receives a report of the presentence  
5 investigation?

6                   THE DEFENDANT: Yes.

7                   THE COURT: And do you understand, as we've  
8 talked about on a couple of occasions now, that the final  
9 sentencing decision rests with Judge Boyko? The Federal  
10 sentencing law requires the Court to impose a sentence that  
11 is reasonable and that the Court must consider the advisory  
12 sentencing guidelines in effect at the time of sentencing as  
13 a part of determining what a reasonable sentence is.

14                  THE DEFENDANT: Yes.

15                  THE COURT: And do you understand that the  
16 Court will determine that classification after first  
17 receiving a report of a presentence investigation?

18                  THE DEFENDANT: Yes.

19                  THE COURT: Once the presentence investigation  
20 is received, both your side of the case and the Government  
21 will have an opportunity to comment on what has been  
22 provided to the Court. But at the end of the day, the  
23 Court, and the Court alone, will determine the applicable  
24 sentence in the case.

25                  Do you understand that?

1                   THE DEFENDANT: Yes, I do.

2                   THE COURT: Do you understand, Mr. Taylor,  
3 that the whole concept of parole has been abolished and that  
4 a person released from prison under Federal law is now  
5 released under what's called supervised release?

6                   THE DEFENDANT: Yes.

7                   THE COURT: All right. We've covered a  
8 variety of topics. We've talked about your rights, we've  
9 talked about the plea agreement, we've talked about  
10 sentencing ranges and all of those topics.

11                  Having discussed these various things, is it still  
12 your desire to proceed with a plea of guilty here today?

13                  THE DEFENDANT: Yes, it is, Your Honor.

14                  THE COURT: All right. Now I need to review  
15 the portion of the plea agreement that sets forth the facts  
16 involved in this case. The facts are alleged in a general  
17 fashion in the information, but they're alleged in a more  
18 specific fashion in Attachment A to the plea agreement.

19                  Do you have that available to you?

20                  THE DEFENDANT: Yes.

21                  THE COURT: Now, keep your finger on that and  
22 then refer back to the plea agreement itself, and  
23 specifically on page 7 of the plea agreement.

24                  Do you see paragraph 21 on page 7?

25                  THE DEFENDANT: Yes.

1                   THE COURT: Now, paragraph 21 is under the  
2 heading "Factual Basis and Relevant Conduct."

3                   Paragraph 21 states that the defendant agrees that  
4 the following summary fairly and accurately sets forth the  
5 defendant's offense conduct and a factual basis for the  
6 guilty plea.

7                   Defendant further agrees that the facts set forth in  
8 the summary are true and could be established beyond a  
9 reasonable doubt if the case were to proceed to trial.

10                  Do you see what I just read?

11                  THE DEFENDANT: Yes, I do.

12                  THE COURT: Immediately following that  
13 statement is the sentence that states, "See Attachment A  
14 which is incorporated fully herein."

15                  Correct?

16                  THE DEFENDANT: Yes.

17                  THE COURT: So now if you go back to  
18 Attachment A, do you see that Attachment A itself consists  
19 of about three and a half pages of typewritten text with  
20 paragraphs 1 through 23?

21                  THE DEFENDANT: Yes.

22                  THE COURT: Have you read Attachment A,  
23 Mr. Taylor?

24                  THE DEFENDANT: Yes.

25                  THE COURT: Attachment A essentially details

1 what it is that the Government's contending that you have  
2 done here. I want to review some parts of that.

3 But let me ask you in a general fashion, when you  
4 read that document, did you see anything in Attachment A  
5 that you felt was not accurate?

6 THE DEFENDANT: None.

7 THE COURT: Did you see anything in Attachment  
8 A that you felt was not true?

9 THE DEFENDANT: No.

10 THE COURT: Did you see anything in Attachment  
11 A that you thought was misleading because somehow it left  
12 out some key fact?

13 THE DEFENDANT: No.

14 THE COURT: All right. So paragraph 1 of  
15 Attachment A says that every year from 2012 to 2017 the City  
16 of Cleveland Demolition Bureau, which is a Government  
17 organization defined under Federal law, received benefits in  
18 excess of \$10,000 under a Federal program.

19 Do you see that statement?

20 THE DEFENDANT: Yes.

21 THE COURT: Is that a true statement?

22 THE DEFENDANT: Yes.

23 THE COURT: Now, obviously as I've -- as I go  
24 through these paragraphs, I'm not going to read them word  
25 for word, but what I'm trying to do is summarize them so you

1 and I can be on the same wavelength and for efficiency.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: So at paragraph 2 it indicates  
5 that you were employed by the City of Cleveland as the chief  
6 of the demolition bureau.

7 Is that correct?

8 THE DEFENDANT: That is correct.

9 THE COURT: Is that a true statement?

10 THE DEFENDANT: That's a true statement.

11 THE COURT: Now, this states among other  
12 responsibilities you were responsible for assigning  
13 board-ups to -- or boarded up homes to contractors so those  
14 homes could be demolished.

15 Is that correct?

16 THE DEFENDANT: That is correct.

17 THE COURT: Now, paragraph 3 begins to detail  
18 bribes that were received from what's identified as  
19 contractor number 1. So paragraphs 3 down through 12 all  
20 deal with your dealings with the identified contractor  
21 number 1.

22 Correct?

23 THE DEFENDANT: Right.

24 THE COURT: It states that from about November  
25 7 of 2013 you knowingly attempted to obstruct, delay, or

1 affect commerce in the movement of articles and commodities  
2 in commerce by extortion. That is, you obtained property,  
3 to wit, approximately \$8,000 in cash, not due to you or your  
4 office from contractor number 1 with the consent of  
5 contractor number 1 under color of official right.

6 Now, actually the paragraph says contractor number 1  
7 and then contractor number 2. We're going to deal with that  
8 error right now.

9 THE DEFENDANT: Yeah, that's --

10 MR. PETERSON: Yeah.

11 THE COURT: So do you see, Mr. Taylor, where  
12 the last line of paragraph 1 -- pardon me, paragraph 3  
13 refers to contractor number 2?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand, sir, that that  
16 should have been contractor 1?

17 THE DEFENDANT: That is correct.

18 THE COURT: Can you cross -- well, I'm going  
19 to provide the original of this document to you and allow  
20 you to cross out "contractor number 2," and then you can  
21 initial it in the margin.

22 Mr. Peterson?

23 MR. PETERSON: Thank you.

24 THE COURT: This is actually why we go through  
25 these things in court.

1 MS. RICE: Yes. Thank you, Your Honor.

2 I'll also initial once you finish.

3 Thank you for catching that.

4 THE COURT: Mr. Peterson, can you provide that  
5 to Attorney Rice?

6 MR. PETERSON: Yes. Thank you, Your Honor.

7 THE COURT: Thank you.

8 The record should reflect that both Mr. Taylor and  
9 his counsel and Attorney Rice have now all initialed  
10 paragraph 3 of Attachment A to the plea agreement, and they  
11 have modified what was indicated to be "contractor number 2"  
12 to be "contractor number 1."

13 Is that correct, Mr. Taylor?

14 THE DEFENDANT: That is correct. Yes.

15 THE COURT: All right. So paragraph 4  
16 indicates that in November 2013 you and contractor 1 agreed  
17 that contractor 1 would pay you \$8,000 in exchange for  
18 contractor number 1 being put on the bid list for this first  
19 premises.

20 Is that true?

21 THE DEFENDANT: That is correct.

22 THE COURT: Are those all true statements?

23 THE DEFENDANT: Very much.

24 THE COURT: And then it goes on to state that  
25 in or around November 2013, this contractor, number 1, was

1 invited to bid on premises number 1. About two days later,  
2 according to paragraph 6, on November 11, 2013, contractor  
3 number 1 submitted a bid. The next day, November 12, 2013,  
4 according to paragraph number 7, contractor number 1 was  
5 awarded the demolition job.

6 Now, paragraph 8 asserts that on or about December 4,  
7 2013, contractor 1 gave you approximately \$3,000 cash.

8 And paragraph 9 asserts at various other times  
9 between November 2013 and November 2015, contractor 1 gave  
10 you an additional \$5,000 in cash.

11 Do you see those statements?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Mr. Taylor, are all those  
14 statements true?

15 THE DEFENDANT: Pretty much. Yes, pretty  
16 much.

17 THE COURT: Are they -- when you say "pretty  
18 much," that suggests to me that there's something about  
19 the --

20 THE DEFENDANT: Yes, yes. I'm sorry. Yes.

21 THE COURT: Yeah, I don't mean to be clever  
22 with you, but if you're acknowledging that these statements  
23 are all accurate and factual, that's what I'm asking.

24 THE DEFENDANT: Yes.

25 THE COURT: All right. Paragraph 10 states

1       that in or about October 2015, you notified contractor 1  
2       about an emergency demolition job on East 123rd Street and  
3       Coltman Road.

4                  Is that true?

5                  THE DEFENDANT: Yes.

6                  THE COURT: It goes on to state that you  
7       instructed contractor number 1 to contact the City of  
8       Cleveland so that that contractor could be placed on the bid  
9       list for such premises, premises 2. And it states that you  
10      asked contractor 1 for \$12,000 in exchange for notifying  
11      contractor number 1 about the emergency demolition job.

12                 Are those statements all true?

13                 THE DEFENDANT: Yes.

14                 THE COURT: Paragraph 11 asserts that on or  
15      about October 2015, contractor 1 was awarded abatement work  
16      for premises number 2. But it goes on to state that  
17      contractor number 1 never paid you the \$12,000.

18                 Is that all --

19                 THE DEFENDANT: That's correct.

20                 THE COURT: Is that all true?

21                 THE DEFENDANT: Yes.

22                 THE COURT: Paragraph 12 asserts that from on  
23      or about November 7, 2013, through on or about September 1,  
24      2017, in the Northern District of Ohio Eastern Division,  
25      you, a public official, otherwise than as provided by law

1 for proper discharge of official duties, directly and  
2 indirectly did demand, seek, receive, accept, and agree to  
3 receive and accept something of value personally for and  
4 because of an official act performed and to be performed by  
5 such official, that is, getting contractor number 1 on the  
6 bid list with the City of Cleveland for a demolition job at  
7 premises number 1 and notifying and instructing contractor  
8 number 1 to bid on the emergency work for premises number 2.

9                   Do you see the paragraph I just read that from,  
10 Mr. Taylor?

11                   THE DEFENDANT: Yes.

12                   THE COURT: Are all those statements accurate?

13                   THE DEFENDANT: Yes.

14                   THE COURT: And true?

15                   THE DEFENDANT: Yes.

16                   THE COURT: Beginning in paragraph number 13  
17 and going on to the end of the Attachment A, information is  
18 provided detailing your dealings with contractor number 2.

19                   So paragraph 13 states that from about August 1 of  
20 2015, continuing through July 21, 2016, you did knowingly  
21 attempt to obstruct, delay, and affect commerce in the  
22 movement of articles and commodities by extortion. That is,  
23 you obtained property, to wit, approximately \$5,800 in cash  
24 not due to you or your office, from contractor number 2 with  
25 the consent of contractor number 2 under color of official

1 right.

2 Mr. Taylor, are all those statements true?

3 THE DEFENDANT: Yes.

4 THE COURT: Now, paragraphs 14 and on then go  
5 on to detail exactly how that took place. Paragraph 14 says  
6 that on or about August 20, 2015, you provided contractor 2  
7 with bid numbers for a pending demolition job on Cedar  
8 Avenue.

9 Paragraph 15 indicates that on or about that same  
10 day, August 20, 2015, you provided contractor 2 with bid  
11 numbers for a pending demolition job on Cedar Avenue.

12 Paragraph 15 indicates that on or about that same  
13 day, August 20, the City of Cleveland awarded contractor  
14 number 2 the demolition job for premises number 3, that is,  
15 the Cedar Avenue property.

16 Paragraph 16 indicates that on or about October 26,  
17 this contractor, number 2, gave you approximately \$5,000  
18 cash for providing that contractor with the bid numbers for  
19 that premises.

20 Paragraph 17 indicates that on or about May 7, 2016,  
21 you provided contractor number 2 the names of companies  
22 bidding on a separate demolition job on East 130th Street,  
23 premises 4.

24 Paragraph 18 indicates that you instructed contractor  
25 2 to wait until almost 3:00 in the afternoon on or about May

1       10, 2016, the final day of bidding for premises 4, to place  
2       a bid.

3           And paragraph 19 states that on or about May 10,  
4       2016, at 2:29 p.m., you called contractor number 2 and  
5       informed them of the then current lowest bid for the job at  
6       premises 4.

7           Paragraph 20 asserts that on or about May 25, 2016,  
8       contractor number 2 gave you approximately \$500 in cash.

9           Paragraph 21 asserts that on or about July 21, 2016,  
10       you contacted contractor number 2 and stated that he needed  
11       some, quote/unquote, stacks.

12          Paragraph 22 asserts that on or about July 21  
13       contractor number 2 gave you approximately \$300 cash.

14          Are all the statements that I just read, Mr. Taylor,  
15       from those various paragraphs from 14 through 22 all  
16       completely true and accurate?

17                   THE DEFENDANT: Yes.

18                   THE COURT: Paragraph 23 asserts that from on  
19       or about August 1, 2015, through on or about July 21, 2016,  
20       within this district, you, a public official, otherwise than  
21       as provided by law for the proper discharge of official's  
22       duties, directly and indirectly, did demand, seek, receive,  
23       accept and agree to receive and accept something of value  
24       personally, for and because of an official act performed and  
25       to be performed by you, that is, providing contractor 2 a

1       list of companies bidding on the demolition job at premises  
2       4, informing contractor 2 of the then current lowest bid for  
3       the demolition job at premises 4 immediately before the  
4       closing of bidding, and, lastly, providing contractor 2 with  
5       the bid numbers for premises number 3.

6                   Mr. Taylor, are all the statements in paragraph 23 of  
7       Attachment A true and accurate?

8                   THE DEFENDANT: Yes.

9                   THE COURT: Now, I've gone over each of the  
10      paragraphs in the attachment at least in summary fashion.  
11      I've already asked you if there was anything in those  
12      paragraphs from your review of the document that you felt  
13      was not true and accurate, and you've indicated that you saw  
14      nothing.

15                  Now having gone over it in more detail, is there  
16      anything at all, sir, that you challenge in what the Court  
17      has reviewed with you?

18                  THE DEFENDANT: No.

19                  THE COURT: Is there anything that you believe  
20      is in any way misleading or incomplete?

21                  THE DEFENDANT: No.

22                  THE COURT: So can I have you indicate,  
23      Mr. Taylor, whether you agree that all of the paragraphs in  
24      Attachment A, 1 through 23, are all completely true and  
25      could be proven by the Government beyond a reasonable doubt

1 if the case were to proceed to trial?

2 THE DEFENDANT: It's true.

3 THE COURT: Now, looking back at the plea  
4 agreement itself, paragraph 22 on page 7, there's an  
5 acknowledgement in that paragraph that you acknowledge that  
6 the above summary of your conduct has not set forth each and  
7 every fact that the U.S. Attorney's Office could prove at  
8 trial, nor does it encompass all of the acts which the  
9 defendant committed in furtherance of the offenses to which  
10 you are pleading guilty.

11 Do you see that paragraph, Mr. Taylor?

12 THE DEFENDANT: Yes, I see the paragraph.

13 THE COURT: Is that all true?

14 THE DEFENDANT: Yes.

15 THE COURT: As you sit here right now, having  
16 reviewed the factual statements that we've just gone  
17 through, do you believe any changes need to be made to any  
18 of those factual paragraphs in order to make them more  
19 completely accurate or true?

20 THE DEFENDANT: Just that first one we changed  
21 with the jobs.

22 THE COURT: Just with the clarification that  
23 we modified?

24 THE DEFENDANT: Yes, the clarification on  
25 that.

1                   THE COURT: But apart from that, is there any  
2 other change you believe needs to be made?

3                   THE DEFENDANT: None. No.

4                   THE COURT: All right. Counsel, the Court's  
5 reviewed in some considerable detail with Mr. Taylor all the  
6 procedural provisions involved in a plea of guilty. I  
7 reviewed the plea agreement.

8                   Is there anything that either counsel for the  
9 Government or defense feels needs to be covered before I  
10 receive the defendant's plea?

11                  Ms. Rice?

12                  MS. RICE: No, Your Honor. You've  
13 sufficiently covered it. Thank you.

14                  THE COURT: Mr. Peterson?

15                  MR. PETERSON: There's how I feel, Your Honor.  
16 There's nothing else to say.

17                  THE COURT: All right. Mr. Taylor, I am now  
18 prepared to receive your plea. Do you wish to confer with  
19 counsel for any purpose before I ask what your plea is, or  
20 do you have any questions for me before I ask what your plea  
21 is?

22                  THE DEFENDANT: I have no questions.

23                  THE COURT: All right. Sir, I do find for the  
24 record that you are competent to proceed today. And having  
25 advised you of your rights and found a factual basis for

1 your plea, I am going to now ask you to advise me how you  
2 wish to plead to Count 1 and Count 2 of the information.  
3 Guilty or not guilty?

4 THE DEFENDANT: Guilty.

5 THE COURT: Based upon this plea colloquy, I  
6 do find that the defendant is fully competent to and capable  
7 of entering into an informed plea. I find that he is aware  
8 of the nature of the charges brought against him in this  
9 matter and the consequences in terms of potential penalties  
10 of making a plea of guilty.

11 I further find that his plea of guilty in response to  
12 Counts 1 and 2 of the information in this case is entered  
13 knowingly, voluntarily, and intelligently and is supported  
14 by an independent basis in fact containing each of the  
15 essential elements of the offenses charged.

16 I therefore will be recommending to Judge Boyko that  
17 he approve the plea agreement in its entirety, that he  
18 accept Mr. Taylor's plea of guilty, and I will recommend  
19 that he adjudge him guilty of the offenses charged in the  
20 information as Counts 1 and 2.

21 I am going to order that a presentence investigation  
22 be conducted and that a report of that investigation be  
23 prepared so that it may be submitted to Judge Boyko prior to  
24 sentencing.

25 Now, Mr. Taylor, it is in your interest to cooperate

fully with the Probation Department as it prepares a presentence investigation. Presentence reports are highly influential to judges as they make sentencing decisions in the case. You've done the hard part by coming to court and acknowledging your responsibility and entering a plea of guilty. Now it's time to get on with the next phase of your life, which is dealing with the future.

8 Do you understand what I'm saying?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You will have a right to review  
11 and examine and comment upon the presentence report prior to  
12 the imposition of sentencing.

13 Sentencing in this case is going to be conducted by  
14 Judge Boyko. He has asked us to schedule a sentencing  
15 hearing for December 18, 2018, at 11:00 in the morning.

16 Does the United States have a motion respecting  
17 detention or bond pending the sentencing hearing?

18 MS. RICE: Thank you, Your Honor. The United  
19 States concurs in the recommendation of Pretrial Services  
20 regarding the unsecured bond and the other conditions  
21 outlined in the Pretrial Services report.

THE COURT: And, Mr. Peterson, what's the defense's response to that recommendation?

24 MR. PETERSON: Well, obviously, Your Honor, we  
25 don't have any objection to bond. We would ask that the

1 Court set the recommended personal bond. I've gone over the  
2 presentence report with him -- or the report for today, the  
3 pretrial report. He understands what he must do if the  
4 Court is kind enough to set the \$20,000 unsecured bond. He  
5 understands everything.

6 THE COURT: Given the nature of the  
7 allegations in this case and the other information set forth  
8 in the report of Pretrial Services which was prepared by  
9 Pretrial Officer Patrick LaVecchia, who is in court here  
10 with us today, I do concur that bond is appropriate in this  
11 case.

12 And, Mr. Taylor, you are going to be released on a  
13 \$20,000 unsecured bond. What that means is you're not  
14 required to put up any cash in order to be released. But  
15 it's important to understand if you do not comply with the  
16 requirements of bond or your pretrial release, you do face  
17 the potential to forfeit up to \$20,000.

18 Do you understand that?

19 (Attorney-client conference.)

20 THE DEFENDANT: I'll -- I understand. I will  
21 appear.

22 THE COURT: As a -- as conditions of your  
23 pretrial release, Mr. Taylor, let me indicate to you that  
24 you will be subject to reporting to Pretrial Services on a  
25 schedule that they will set for you. It may be in person,

1 it may be by telephone, but they will make arrangements with  
2 you for some kind of a reporting schedule.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: You are going to be restricted  
6 from obtaining any passport or any other form of  
7 international travel documents during this time of your  
8 release.

9 Do you have a passport currently?

10 THE DEFENDANT: No.

11 THE COURT: All right. You may not obtain  
12 one.

13           Your travel is going to be restricted to the Northern  
14         District of Ohio, which is essentially the northern half of  
15         this state. If an occasion rises where you feel you must  
16         travel outside that district, you have to obtain permission  
17         in advance either from the Court or from your Pretrial  
18         Services officer.

19 Do you understand that?

THE DEFENDANT: Yes.

21 THE COURT: So it's not to say you can never  
22 travel, but you're under restriction.

Do you have a question about that?

24 THE DEFENDANT: If there's an emergency. If I  
25 was to arise with an emergency with a family member, do I

1 still get with the courts to let them know?

2 MR. PETERSON: You let your probation officer  
3 know right away.

4 THE DEFENDANT: Okay.

5 THE COURT: The probation officers are always  
6 just a phone call away.

7 THE DEFENDANT: Okay.

8 THE COURT: So, yes, you would notify your  
9 probation officer before you leave.

10 THE DEFENDANT: Okay. That sounds good.

11 THE COURT: All right. You must avoid any  
12 contact with anyone who is an alleged victim or potential  
13 codefendant in this case. Obviously, we've just gone  
14 through lengthy discussion of contractor 1, contractor 2,  
15 these various premises. You may not have contact with  
16 people who are potential witnesses or alleged victims in  
17 this case.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, that restriction prevents you  
21 from having direct or indirect contact. So direct contact  
22 means you can't go see them, can't call them on the phone,  
23 you can't text them, you can't Facebook message them,  
24 anything like that.

25 Indirect contact means you can't ask anyone else to

1 contact them for you.

2 Do you understand what I mean by that?

3 THE DEFENDANT: I understand. I understand.

4 THE COURT: And, Mr. Taylor, if you have any  
5 contact with law enforcement during your time of release, in  
6 other words, you're pulled over by the police or something  
7 happens like that, you have to notify your Pretrial Services  
8 officer that you had such contact. They'll know you did  
9 because they can get reports of such things, but it's  
10 important that you let them know first.

11 Do you understand that?

12 THE DEFENDANT: I understand.

13 THE COURT: Now, to the extent any of the  
14 people who may be involved in the criminal activity that's  
15 been discussed here in court today are potential  
16 codefendants, people who could be charged down the road, or  
17 anyone else that you know who could be charged, you may not  
18 have contact with those individuals as well.

19 Do you understand that?

20 THE DEFENDANT: I understand that.

21 THE COURT: Officer LaVecchia, have we covered  
22 all of the requirements that you wanted included?

23 PRETRIAL SERVICES OFFICER LaVECCHIA: Yes,  
24 Your Honor.

25 THE COURT: All right. Mr. Taylor, it kind of

1 goes without saying but let me say it anyway: Obviously  
2 while you're on release, you can't commit any other new  
3 offenses, violations of state, Federal, or local law. If  
4 you do, you run the risk of being taken back into custody  
5 until the time of sentencing.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. So we will have the  
9 bond documents for you and your attorney to review and sign  
10 before you leave court here today. As soon as those records  
11 are processed, you would be released.

12 At this stage is there anything further from counsel  
13 for the United States?

14 MS. RICE: No, Your Honor. Thank you.

15 THE COURT: Mr. Peterson, from the defense?

16 MR. PETERSON: No, Your Honor. Thank you.

17 THE COURT: Thank you everyone.

18 (Proceedings adjourned at 3:29 p.m.)

19 \* \* \* \* \*

20 **C E R T I F I C A T E**

21 I certify that the foregoing is a correct transcript  
22 of the record of proceedings in the above-entitled matter.  
23 This transcript was prepared to the best of my ability from  
24 a digital audio recording of the proceedings provided by the  
Court.

25 /s/ Lance A. Boardman 09/20/2018  
Lance A. Boardman, RDR, CRR DATE